

FILED
CHARLOTTE, NC

SEP 27 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE: FAMILY DOLLAR STORES, INC.,
FLSA LITIGATION

MDL DOCKET NO: 3:08-MD-01932
Judge Graham C. Mullen

*Concerning Sheri Toms, et al. v. Family Dollar
Stores, Inc., et al. No. 3:07-cv-1277*

STIPULATION AND ORDER

It is hereby STIPULATED and AGREED, by and between the undersigned, as follows:

1. Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, the Complaint in this action is amended, such that originating Plaintiff Sheri Toms' collective action allegations (§216(b)) under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.* are **DISMISSED WITH PREJUDICE**, with each party bearing their own fees and costs, and, going forward, this action shall be limited to Plaintiff Sheri Toms' individual claims arising under the FLSA.

2. Defendant's entry into this Stipulation and [Proposed] Order shall not be construed as a waiver of its opposition to any request by Plaintiff that this action be remanded to the Western District of North Carolina, Charlotte Division pursuant to JPML Rule 10.1 and/or in the alternative transfer to the Middle District of Tennessee.

AGREED, this 26th day of September, 2011:

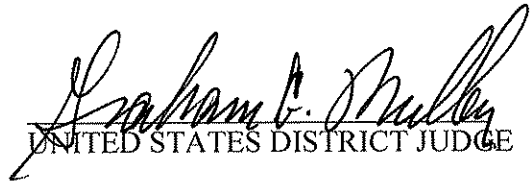
FOR PLAINTIFF:

s/ David W. Garrison
David W. Garrison
BARRETT JOHNSTON, LLC
217 Second Ave. North
Nashville, TN 37201
Phone: 615-244-2202
dgarrison@barrettjohnston.com

FOR DEFENDANT:

s/ Amy S. Ramsey
Amy S. Ramsey
LITTLER MENDELSON, P.C.
200 North LaSalle Street, Ste. 2900
Chicago, IL 60601
Phone: 312-795-3207
aramsey@littler.com

SO ORDERED, this 27th day of September, 2011.


UNITED STATES DISTRICT JUDGE